

SENATE BILL 1040

By Kyle

AN ACT to amend Tennessee Code Annotated, Title 6,
relative to municipal elections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 6-3-104, is amended by inserting the following language after the first sentence:

The date of such elections shall be held in conjunction with the regular November election or with the regular August election as defined in § 2-1-104.

SECTION 2. Tennessee Code Annotated, Section 6-20-102, is amended by deleting subdivision (c) and substituting instead the following:

(c)

(1) In addition to the authority granted by subsections (a) and (b), the board of commissioners shall fix the date of subsequent regular municipal elections as the date of the regular November election or regular August election as defined in § 2-1-104.

(2)

(A) During the transition period, if a term expires six (6) months or less before a regular November election or regular August election, whichever date is chosen as the date for subsequent regular municipal elections, the board of commissioners may by ordinance extend the length of the term of an incumbent to coincide with such election.

(B) During the transition period, if a term expires more than six (6) months before a regular November election or regular August election, whichever date is chosen as the date for subsequent regular municipal elections, the board of commissioners shall fix the date of the election as long as any date so designated falls within ninety (90) days of the annual election anniversary of the

first election of the board of commissioners. In such election, the term of office shall be a transitional one, which shall extend only until the next regular November election or regular August election that occurs more than three (3) years after such scheduled election.

SECTION 3. Tennessee Code Annotated, Section 6-31-102, is amended by deleting subsection (b) and substituting instead the following:

(b) Any city operating under this charter shall change the date of holding its regular biennial municipal election from the date provided in subsection (a) to the first Tuesday after the first Monday in November, to coincide with the election of members of the general assembly and representatives in the congress of the United States, as provided in § 2-3-203 or to the regular August election as defined in § 2-1-104.

SECTION 4. Tennessee Code Annotated, Title 6, Chapter 54, Part 1, is amended by adding the following as a new, appropriately designated section:

Notwithstanding any provision of law, charter or private act to the contrary, except in any county having a metropolitan form of government, all municipal elections shall be held in conjunction with the regular November election or with the regular August election by 2010. Each municipality shall provide the state coordinator of elections a plan by which the municipality intends to comply with this section. Such plan shall include timetables of transitional elections. Nothing in this section shall be construed to remove any incumbent from office or abridge the term of any incumbent prior to the end of the term for which an elected official was selected. Provided, however, a municipality may extend the length of a term to facilitate the transition to the November or August election.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

